

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 10-C-0578

v.

ESTATE OF EUNICE A. WESTPHAL,

Defendant.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The above-entitled action having been heard on the 13th day of January, 2011 and the Court having considered the pleadings, affidavits and other documents now on file, and the Court having further considered the presentation by counsel for the plaintiff given in open Court, the Court hereby makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The defendant is wholly in default.
2. That the allegations set forth in plaintiff's complaint are proven true.
3. That the mortgaged premises are described as follows:

Lot Number Fifty (50) of R. Ebert's Second Addition to the City of Fond du Lac,
Fond du Lac County, Wisconsin

Street Address: 292 Lexington Street, Fond du Lac, Wisconsin, 54935

4. That notice of the pendency of this action was duly given on July 14, 2010 by filing a lis pendens in the office of the Register of Deeds for Fond du Lac County, Wisconsin. This was done in the manner and form required by law, after the filing of the complaint herein, and more than twenty (20) days prior to the trial or other resolution of this action.

5. That there is now due to the United States the following sums:

Principal Balance	\$43,498.23
Accrued Interest to January 13, 2011	\$34,605.79
Service fee (monthly fee)	\$ 4,770.00
MIP (insurance)	\$ 5,668.00
Lis Pendens fees	\$ 30.00
Title Search fees	\$ 250.00
Special Probate Administrator	\$ 500.00

6. That no other proceedings have been held at law or otherwise for the recovery of the sum secured by the promissory note and mortgage.

CONCLUSIONS OF LAW

1. That the plaintiff is entitled to judgment of foreclosure of the secured premises in the usual form as prayed for in plaintiff's complaint in accordance with the above findings of fact.

2. That the defendant and all persons claiming under it subsequent to the filing of the notice of the pendency of this action be and hereby are forever barred and foreclosed of all right, title, interest, claim and equity of redemption in and to the lands and premises or any part, parcel, or portion thereof.

3. That the defendant shall be granted a two (2) month period of redemption from the date when judgment is entered.

4. That the subject premises be sold at public sale, and the sale shall be conducted by or under the direction of the United States Marshal for the Eastern District of Wisconsin.

IT IS THEREFORE ORDERED that foreclosure of said mortgage in the usual form as provided by and in accordance with the above Findings of Fact and Conclusions of Law be entered in this action.

Dated at Milwaukee, Wisconsin, this 3rd day of January, 2011.

s/ Rudolph T. Randa
HON. RUDOLPH T. RANDA
United States District Judge